

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JACOB ANDREW BERGERON,

Plaintiff,

v.

CIVIL ACTION NO.
1:16-CV-880-TWT

SHERIFF GARRISON, et al.,

Defendants.

MAGISTRATE JUDGE'S
FINAL REPORT AND RECOMMENDATION

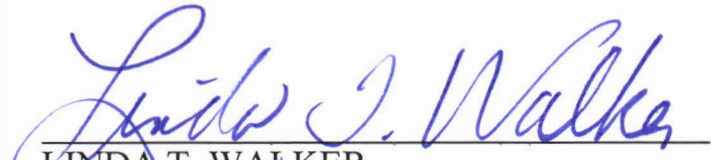
This case is presently before the Court on this Court's Orders of May 2, 2016 and August 22, 2016. (Docs. 2, 3). Therein, this Court denied Plaintiff's Application to Proceed In Forma Pauperis and ordered Plaintiff to pay the standard filing fee by September 2, 2016. (*Id.*). Plaintiff was warned that "if he fails to pay the filing fee by September 2, 2016, this Court will recommend that his case be dismissed without prejudice." (Doc. 3). Plaintiff has not done so.

Thus, Plaintiff has thus ignored the Court's Order, and has not demonstrated any interest in prosecuting this case. Indeed, Plaintiff has not taken any action before this Court to prosecute his lawsuit since initiating it on March 17, 2016. Rule 41(b) of the Federal Rules of Civil Procedure and Local Rule 41.3(A) provide that the Court may dismiss a case for want of prosecution if a plaintiff refuses to obey a lawful Order of the Court. Fed. R. Civ. P. 41(b); LR 41.3(A), NDGa. Moreover, Local Rule 41.3(A)(3)

provides that the Court may, with or without notice to the parties, dismiss a civil case for want of prosecution if a case has been pending in this Court for more than six (6) months without any substantial proceedings of record having been taken in the case. LR 41.3A(3), NDGa.; see also LR 41.2C NDGa. (“The failure . . . of a party appearing pro se to keep the clerk’s office informed of any change in address and/or telephone number which causes a delay or otherwise adversely affects the management of the case shall constitute grounds . . . for dismissal of the action”); Fed. R. Civ. P. 41(b). To date, more than six months have passed without any proceedings of record by Plaintiff.

Because Plaintiff has refused to obey lawful orders of the Court and seems uninterested in pursuing this lawsuit, this Court **RECOMMENDS** that Plaintiff’s case be **DISMISSED** for want of prosecution. As this is a final Report and Recommendation and there are no other matters pending before this Court, the Clerk is directed to terminate the reference to the undersigned.

SO REPORTED AND RECOMMENDED, this 22 day of February, 2017.


LINDA T. WALKER
UNITED STATES MAGISTRATE JUDGE